



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

APR 29 2009

Mr. Dan Eden, Deputy Director  
Office of Permitting, Remediation and Registration (MC-122)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Dear Mr. Eden:

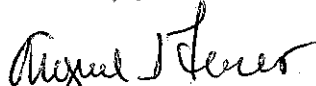
The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of the site-specific aluminum criterion for a portion of a remnant channel of Baker Slough and a portion of the Sulphur River (segment 0301) in the Sulphur River basin. As required by 40 CFR §131.20, the request was originally submitted by TCEQ to EPA for review and approval. EPA informed the TCEQ, by letter dated July 1, 2008, that while a site-specific freshwater acute water quality criterion of 6,332 µg/L for aluminum is approvable, EPA could not take a formal approval action until the public participation requirements found at 40 CFR Part 25 were fulfilled for this site-specific water quality standard revision. TCEQ recently completed these public participation requirements through the public notice on the proposed permit for International Paper Company. No comments were received on the site-specific aluminum criterion.

Based on the water effect ratio (WER) study performed, the 2000 TX WQS statewide acute criterion for aluminum, and the resulting WER of 6.39, a site-specific freshwater acute water quality criterion of 6,332 µg/L has been demonstrated as appropriate to protect aquatic life and is approved for Clean Water Act purposes. This acute criterion will be incorporated into Appendix E of the *Texas Surface Water Quality Standards* (TX WQS) at the time of the next triennial revision. The site-specific acute criterion applies at the point of the International Paper Company's discharge from Outfall 001 (Texas Pollutant Discharge Elimination System Permit No. 01339) to Baker Slough and to a portion of the Sulphur River. The statewide aluminum criterion in Table 1 of the TX WQS applies to the remaining areas of segment 0301 of the Sulphur River.

The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA has determined that approval of the site-specific aluminum criterion will have no effect on federally-listed threatened and endangered species or on critical habitat.

If you should have any questions, please call me at (214) 665-7101 or have your staff contact Nelly Smith at (214) 665-7109.

Sincerely yours,



Miguel I. Flores  
Director

Water Quality Protection Division

cc: Mike Pfeil, TCEQ – Water Quality Assessment Section (MC-150)  
Tres Koenigs, TCEQ – Wastewater Permits Section (MC-148)  
Debbie Miller, TCEQ - Water Quality Standards Group (MC-234)